

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 07-4779

UNITED STATES OF AMERICA

v.

DEION PRESSEY,

Appellant

On Appeal from the United States District Court
for the District of Delaware
(D.C. Criminal No. 07-cr-00044)
District Judge: The Honorable Joseph J. Farnan, Jr.

Submitted Under Third Circuit LAR 34.1(a)
October 27, 2008

Before: McKEE, NYGAARD, and MICHEL, * Circuit Judges.

(Filed : November 6, 2008)

OPINION OF THE COURT

*The Honorable Paul R. Michel, Chief Judge, United States Court of Appeals for the Federal Circuit, sitting by designation.

NYGAARD, Circuit Judge.

Appellant, Deion Pressey, pleaded guilty to conspiracy to distribute, and to possess with intent to distribute, heroin. Appellant argued before the District Court that it should sentence him below the Guideline range. The District Court declined and imposed a sentence of 46 months' imprisonment, a sentence which was at the bottom of the Guideline range.

The Appellant raises only one issue on appeal, namely that the District Court failed to adequately consider and evaluate the statutory sentencing factors, other than the sentencing guidelines, and that this failure resulted in a sentence greater than necessary to accomplish the statutory sentencing scheme. We review a sentence for reasonableness, applying an abuse of discretion standard. *Gall v. United States*, 552 U.S. —, 138 S.Ct. 586, 594 (2007). Appellant bears the burden of showing unreasonableness. *United States v. Cooper*, 437 F.3d 324, 332 (3d Cir. 2006).

We have examined the record and the colloquy on appeal, and have concluded that Appellant has not borne his burden of showing unreasonableness. Hence, we conclude that the Appellant's contention is without merit and we will affirm.